

Application No. 10/699,517  
Amendment dated February 24, 2005  
Reply to Office Action of February 2, 2005

### **REMARKS/ARGUMENTS**

After entry of this amendment claims 1-48 and 50-80 are pending in this application, new claims 71-80 having been added and claim 49 having been canceled. After entry of this amendment claims 41-48, 50-56 and 71-80 are under consideration as being drawn to the elected invention group. Claims 41, 44-48, 50 and 53-54 are amended. Support for the amendments to claims 41 and 44 is found in the originally filed claims and in the specification at, e.g., paragraphs 133, 134 and 137. The amendments to claims 45-48 and 53-54 merely correct the claim dependencies so that the amended claims are dependent upon claims in the elected invention group. The amendment to claim 50 merely corrects the claim dependency as a result of canceling claim 49. Support for new claims 71 and 74 is found in the originally filed claims 41 and 44, respectively, and in the specification at, e.g., paragraphs 133, 134 and 137. Support for new claims 72-73 and 75-80 is found in the originally filed claims 42-43, 45-48 and 54-55, respectively, and in the specification at, e.g., paragraphs 133, 134 and 137. No new matter is added by the amendments to claims 41, 44-48, 50 and 53-54 and by the addition of new claims 71-80.

#### **Amendments to Claims 41, 44-48, 50 and 53-54 and Addition of New Claims 71-80**

Applicants amended claims 41, 44-48, 50 and 53-54 and added new claims 71-80 to separate the method of preventing and treating a disease characterized by Lewy bodies or alpha-synuclein aggregation in the brain into two claim sets: one for prophylaxis of disease (claims 71-80) and the other for treatment of disease (claims 41-48, 50 and 53-54). The claims directed to a method of prophylaxis of disease are supported by the specification at, e.g., paragraphs 133, 134 and 137 and by the originally filed claims. The claims directed to a method of treatment of disease are fully supported by the originally filed claims. As such, no new matter is added by the amendments and new claims.

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Restriction Requirement

Applicants elect the invention of Group V (claims 42 and 45-55) with traverse. Applicants reserve the right, under 35 U.S.C. § 120, to pursue the non-elected inventions of Groups I, II, III, IV, VI, VII and VIII in separate divisional patent applications.

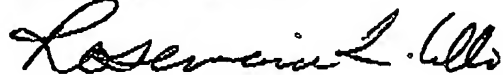
The Examiner has required restriction of the instant application to one of eight inventions (Groups I-VIII) under 35 U.S.C. § 121. In particular, the invention of Group IV (claims 42 and 45-55) is drawn to a method for preventing or treating a disease characterized by Lewy bodies or alpha-synuclein aggregation comprising an agent which induces an immunogenic response against A $\beta$  wherein said agent is alpha-synuclein. The invention of Group V (claims 43 and 45-55) is drawn to a method for preventing or treating a disease characterized by Lewy bodies or alpha-synuclein aggregation comprising an agent which induces an immunogenic response against A $\beta$  wherein said agent is an antibody. Applicants respectfully submit that the Examiner has mistakenly stated that the agent of the invention of Group IV is A $\beta$ , not alpha-synuclein, and request that the Examiner modify the restriction accordingly.

Applicants respectfully submit that the Examiner has failed to assign the generic linking claims, *e.g.*, claims 1, 17, 41, 44 and 56, to a restriction group. Applicants request that the Examiner modify the restriction so that the linking claims are included in the claims for the appropriate restriction groups. In particular, for the elected invention of Group V, based on the Examiner's statement that the generic claims 141 and 44 link the inventions of Groups IV and V, Applicants propose that the examiner modify the restriction so that the invention of Groups IV and V include claims 41 and 44. As such, the invention of Group IV should include claims 41-42 and 44-55 and the invention of Group V should include claims 41 and 43-55. Further, taking the instant amendment into consideration, the invention of Group V should include claims 41, 43-48, 50-55 and 71-80.

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If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400.

Respectfully submitted,



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